



**STELLENBOSCH**  
STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNICIPALITY • UMASIPALA • MUNISIPALITEIT

Ref. no.3/4/1/5

2019-05-29

## **MINUTES**

### **27<sup>TH</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY**

**2019-05-29 AT 10:00**

Detailed account of the meeting proceedings is available on audio recording, which is obtainable from The Municipal Manager's Office per Request for Information (RFI)

**MINUTES**  
**27<sup>TH</sup> MEETING OF THE COUNCIL**  
**OF STELLENBOSCH MUNICIPALITY**  
**2019-05-29**

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**MINUTES OF THE 27<sup>th</sup> MEETING OF THE COUNCIL OF STELLENBOSCH MUNICIPALITY HELD ON 2019-05-29 AT 10:00 IN THE COUNCIL CHAMBER, TOWN HOUSE, PLEIN STREET, STELLENBOSCH**

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<b>PRESENT</b>	The Speaker, Cllr WC Petersen (Ms) [Chairperson] The Executive Mayor, Ald G Van Deventer (Ms) The Deputy Executive Mayor, Cllr N Jindela	
<b>COUNCILLORS</b>	F Adams FJ Badenhorst FT Bangani-Menziwa (Ms) Ald PW Biscombe G Cele (Ms) PR Crawley (Ms) A Crombie (Ms) Z Dalling (Ms) R Du Toit (Ms) A Florence AR Frazenburg E Fredericks (Ms) T Gosa E Groenewald (Ms) AJ Hanekom DA Hendrickse JK Hendriks LK Horsband (Ms)	MC Johnson DD Joubert N Mananga-Gugushe (Ms) C Manuel NE Mcombring (Ms) XL Mdemka (Ms) RS Nalumango (Ms) N Olayi MD Oliphant SA Peters MM Pietersen SR Schäfer Ald JP Serdyn (Ms) N Sinkinya (Ms) Q Smit LL Stander E Vermeulen (Ms)

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<b>Officials:</b>	Municipal Manager (Ms G Mettler) Director: Corporate Services (Ms A De Beer) Director: Infrastructure Services (D Louw) Director: Planning and Economic Development (T Mfeya) Acting Chief Financial Officer (K Carolus) Director: Community and Protection Services (G Boshoff) Chief Audit Executive (F Hoosain) Senior Manager: Governance (Ms S De Visser) Manager: Communications (S Grobbelaar) Manager: Secretariat (EJ Potts) Senior Administration Officer (T Samuels (Ms)) Committee Clerk (N Mbali (Ms)) Interpreter (J Tyatyeka)
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1.	<b>OPENING AND WELCOME</b>
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The Speaker welcomed all present at the 27<sup>th</sup> Council meeting. A moment of silent reflection was observed.

2.	<b>COMMUNICATIONS</b>
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2.1	<b>MAYORAL ADDRESS</b>
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“Goeiemore, Good Morning, Molweni, A-salaam Alaikum.

- Verkiegings is uiteindelik verby! Dankie aan al die inwoners wat die gure weer op stemdag getrotseer het om hul demokratiese reg uit te oefen.
- Baie geluk dan ook aan die nuwe Premier, Mnr Alan Winde.
- Baie geluk ook aan die nuwe provinsiale kabinet!
  - Weet ons gaan goed saam werk en voortbou op die verhoudings wat reeds gevestig is.
- Twee raadslede skuif na die verkiesing
  - Burgemeesterskomiteelede: Raadslid Jan De Villiers
  - Een raadslid verkies tot Provinsiale Parlement: Raadslid Ntombezanele Bakubaku-Vos
  - Baie geluk aan hierdie Raadslede!
  - Raadslid Quintin Smit sal ook waarneem in die portefeulje van Gemeenskapsveiligheid totdat 'n nuwe komiteelid aangewys word.
- The Cape Epic has awarded Stellenbosch with the Best Town Spirit Award, following this year's Cape Epic Mountain Bike Challenge in March.
  - This is a great honour as it is decided by the cyclists themselves.
  - The Cape Epic is an annual prestigious international mountain bike event, drawing spectators and participants from across the world to the region every year.
  - This year we formed part of the course for several stages.
  - I am sure that the spirit award will ensure our participation in the course again next year!
  - It is always a privilege to host events like this, as it creates opportunities for our residents.
  - Thank you to all our residents who helped to make this event successful and whose amazing spirit gave us this award.
- Congratulations to Stellenbosch FC!
  - Our local soccer team has become the pride of the broader Stellenbosch by winning the National First Division Championship.
  - By winning, they also qualified to take part in the Premier League next season.
  - This is a tremendous accomplishment for our local soccer team!
  - They now form part of the top division of South African teams in the country and they will have the opportunity to participate at that level.
  - I also attended a team practice before their final game, and I was so inspired by this team of young, local players.

- Congratulations, and we are looking forward to the new season, as well as the PSL games that will now be played locally!
- Kinderbeskermingsweek word jaarliks in Suid-Afrika herdenk .
- Die week word vanjaar van 2 tot 9 Junie herdenk
- Dit is verskuif vanaf die huidige week na volgende weens die verkiesing en inhuldiging van die nuwe regering.
  - Kinderbeskermingsweek word gebruik om die regte van kinders te beklemtoon en bewusmaking daarvan te verhoog soos dit onderskryf word in die Kinderwet van 2005.
  - Kinders is steeds een van die mees kwesbare groepe in ons samelewing en word dikwels aan geweld, seksuele geweld, mishandeling en misdaad bloot gestel.
  - Ons plig as 'n regering en as volwassenes is egter om 'n veilige en gesonde omgewing vir ons kinders te skep waarin hulle kan groot word.
  - Die foto's van kinder-slagoffers maak egter elke dag die koerante vol, waar hulle as slagoffers van ons samelewing uitgeby word.
  - Daar is verskeie geleenthede wat gedurende die week plaasvind, waar die Munisipaliteit saam met ander rolspelers insluitende SAPD en die Provinsiale Departement van Maatskaplike Dienste, met kinders en voogde opvoedkundige programme aanbied, wat help om bewussyn van kinderregte te kweek.
  - Please wear your green ribbons to show your support for Child Protection Week, and please remember that we are all advocates for the rights of children.
  - We have a responsibility to create a better world for them to inherit.

Thank You."

<b>2.2</b>	<b>COMMUNICATION BY THE SPEAKER</b>
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- Welcome to everyone present and a special thank you to all the political parties who participated so warm fully against each other during the past National and Provincial Elections.
- Congratulations also to all the members from the different Stellenbosch Constituencies for the members who was successful in securing a place in the National and Provincial spheres of government. Special thanks and congratulations to Councillors now MP's Jan de Villiers and Ntombezanele Bakubaku-Vos who already resign from our Council to take up their respective positions in the Western Cape Provincial Government.
- To our President, congratulations. To our new Premier in the Western Cape, Premier Allan Winde, congratulations.
- To all our Muslim Colleagues in Stellenbosch - we hope that you are continuing strong with the fasting and I wish you a happy Eid Mubarak.
- Birthdays -the following members celebrated their birthdays during May 2019.
  - Cllr Faith Bangani-Menziwa – 15 May
  - Cllr Elsabe Vermeulen – 20 May
  - Cllr Aldridge Frazenberg – 26 May
- The following councillors will be preparing for their birthdays during June 2019.
  - Cllr Quintin Smit – 1 June
  - Cllr James Hamilton – 11 June

- Councillors should note that an Additional Council meeting will be held on Wednesday, 12 June 2019.
- Councillors should also note the Municipal Demarcation Board Workshop on Education and Awareness meeting that will be held on Friday 31 May 2019 starting at 10:00 in the Council Chamber in Stellenbosch.

Councillors please note that the Municipal Council recess for the June school holidays will be from 14 June 2019 to 9 July 2019. I sincerely hope that all councillors will use this time to rest and come back in full strength to continue servicing the broader communities of Stellenbosch.

<b>2.3</b>	<b>COMMUNICATION BY THE MUNICIPAL MANAGER</b>
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- The Municipal Manager, Ms G Mettler, as the MEO, expressed her heartfelt appreciation towards all who helped and worked tirelessly to ensure that the elections on 8 May 2019 went smooth. No major issues were reported, but those that were reported, were addressed with the IEC. She congratulated all political parties who participated in the elections.
- Due to the amount of comments received on the SDF, additional period for participation will be requested.

<b>3.</b>	<b>OFFICIAL NOTICES</b>
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<b>3.1</b>	<b>DISCLOSURE OF INTEREST</b>
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NONE

<b>3.2</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE</b>	<b>(3/4/1/6)</b>
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- 3.2.1 The following applications for leave of absence were approved in terms of the Rules of Order By-law of Council:-

Cllr AJ Hanekom	– 29 May 2019
Cllr WF Pietersen	– 29 May 2019
Cllr P Sitshoti (Ms)	– 29 May 2019

<b>4.</b>	<b>CONFIRMATION OF MINUTES: 2019-04-26</b>	<b>(3/4/1/5)</b>
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- 4.1 The minutes of the 26<sup>th</sup> Council Meeting: 2019-04-26, were **confirmed as correct.**



5.	STATUTORY MATTERS	(3/4/1/4)
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5.1	APPROVAL OF THE FINAL SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022
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Collaborator No: 643969  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: Mayco 21 May 2019 and Council 29 May 2019

1. **SUBJECT: APPROVAL OF THE FINAL SECOND REVIEW OF THE FOURTH GENERATION IDP 2017 – 2022**

2. **PURPOSE**

To submit the following to Mayco and Council for consideration:

- (a) The Final Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP), attached as **APPENDIX 1**; and
- (b) The public participation inputs, written submissions and Provincial Government LGMTEC findings on the Draft Second Review of the 2017 - 2022 Fourth Generation IDP, attached as **APPENDIX 2**.

3. **DELEGATED AUTHORITY**

For approval by the Municipal Council.

4. **LEGISLATIVE CONTEXT**

In terms of Section 34 of the Local Government: Municipal Systems Act No 32 of 2000 (MSA) prescribes that the Municipal Council:–

*“(A) must review its Integrated Development Plan-*

- (i) annually in accordance with an assessment of its performance measurements in terms of section 41; and*
- (ii) to the extent that changing circumstances so demand”.*

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 5.1**

**RESOLVED** (majority vote)

- (a) that the Stellenbosch Municipality’s final Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP), attached as **APPENDIX 1**, be adopted;
- (b) that the public participation inputs and written submissions on the Draft Second Review of the 2017 – 2022 Fourth Generation Integrated Development Plan (IDP) attached as **APPENDIX 2**, be noted; and

- (c) that an advertisement be placed on the official website of the Municipality, municipal notice boards and in the local newspapers notifying the public that the final Second Review of the Fourth Generation IDP 2017 – 2022 has been adopted by Council.

*The following Councillors requested that their votes of dissent be minuted:*

*Cllrs F Adams; Bangani-Menziwe (Ms); G Cele (Ms); DA Hendrickse; LK Horsband (Ms); Mananga-Gugushe (Ms); RS Nalumango (Ms); N Sinkinya (Ms) and LL Stander.*

<b>NAME</b>	Shireen de Visser
<b>POSITION</b>	Senior Manager Governance
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8035
<b>E-MAIL ADDRESS</b>	Shireen.devisser@ Stellenbosch.gov.za
<b>REPORT DATE</b>	9 May 2019

5.2	MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2019/2020-2021/2022
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Collaborator No: 645771  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: Mayco 21 May 2019 and Council 29 May 2019

**1. SUBJECT: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK  
2019/2020-2021/2022**

**2. PURPOSE**

The purpose of this report is three fold:-

- a) To consider the views/submissions of the local community in terms of Section 23(1)(a) of the Municipal Finance Management Act (Act 56 of 2003), herein after called the MFMA and to allow the Executive Mayor to respond to the views of the public as envisaged in terms of Section 23 (2) (a) and (b).
- b) To approve the Medium Term Revenue and Expenditure Framework for 2019-2022, the prescribed appendices, property tax increases, tariffs and tariff structures and revisions to the Budget and related Policies (where appropriate) in terms of Section 17 (1) – (3) of the MFMA (Act 56 of 2003); and
- c) That Council specifically note and consider the need to take up external loans to fund critically needed refurbishment of infrastructure to the amount of R 380 million of which over the MTREF R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirms final approval of same in order for the Chief Financial Officer to attend to the necessary legislative requirements.

**3. DELEGATED AUTHORITY  
FOR APPROVAL BY MUNICIPAL COUNCIL**

**4. EXECUTIVE SUMMARY**

Attached as **APPENDIX 1** is an executive summary by the Accounting Officer.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 5.2**

The Speaker afforded the Executive Mayor the opportunity to deliver her Budget Speech (attached as an **APPENDIX**).

During deliberations the DA requested a caucus, which the Speaker allowed.

When the meeting resumed, it was

**RESOLVED** (majority vote)

- (a) that the High Level Budget Summary, as set out in **APPENDIX 1 – PART 1 – SECTION C**; be approved;

- 
- (b) that the Annual Budget Tables as prescribed by the Budgeting and Reporting Regulations, as set out in **APPENDIX 1 – PART 1 – SECTION D**, be approved;
  - (c) that the proposed Grants-In-Aid allocations as set out in **APPENDIX 1 – PART 2 – SECTION J**, be approved;
  - (d) that the three year Capital Budget for 2019/2020, 2020/2021 and 2021/2022, as set out in **APPENDIX 1 – PART 2 – SECTION N**, be approved;
  - (e) that in terms of MFMA Section 19 and Municipal Budget Reporting (MBRR) Regulations 13, projects above a prescribed value set at R50 million, as set in **APPENDIX 1- PART 1- SECTION B**; be individually approved;
  - (f) that the proposed rates on properties in WCO24, tariffs, tariff structures and service charges for water, electricity, refuse, sewerage and other municipal services, as set out in **APPENDIX 3** , be approved;
  - (g) that the proposed amendments to existing budget-related policies and other policies as set out in **APPENDICES 4 - 30**, be approved;
  - (h) that Council specifically notes and considers the need to take up an external loan needed for investment in income-generating infrastructure to the amount of R380 million, of which R160 million will be required in year 1, R120 million in year 2 and R100 million in year 3 (refer to Section G: High Level Budget Overview and Table A1 Budget Summary) and confirm approval of same;
  - (i) that Council specifically takes note of the fact that the proposed electricity charges and tariff structure is subject to NERSA approval that could change materially;
  - (j) that Council takes note of MFMA circulars 93 and 94 that were published to guide the MTREF for 2019/2020 to 2021/2022 as set out in **APPENDICES 31 – 32**; and
  - (k) that Council takes note that the public comments and submissions were taken into account in the compilation of the final budget.

*The following Councillors requested that their votes of dissent be minuted:*

*Cllrs F Adams; Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); Mananga-Gugushe (Ms); RS Nalumango (Ms); N Sinkinya (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	KEVIN CAROLUS
<b>POSITION</b>	<b>CHIEF FINANCIAL OFFICER</b>
<b>DIRECTORATE</b>	<b>FINANCIAL SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8528</b>
<b>E-MAIL ADDRESS</b>	<b>kevin.carolus@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>29 May 2019</b>

6.	REPORT/S BY THE MUNICIPAL MANAGER RE OUTSTANDING RESOLUTIONS TAKEN AT PREVIOUS COUNCIL MEETINGS
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ITEM	Pg	INPUT	MM'S RESPONSE
<b><u>CLLR DA HENDRICKSE</u></b>  <u>Items outstanding on the Agenda:</u>		<ul style="list-style-type: none"> <li>- In 2015 it was resolved that those projects under Tender 34 must be re-advertised. Attention was only given to Erf 7001, what happened to the other projects?</li> <li>- Requested a report on a council resolution re the fences on the Meulslot.</li> </ul>	Noted. MM will follow-up and respond.
<b><u>CLLR F ADAMS</u></b>  <u>16TH COUNCIL MEETING: 2018-03-28:</u> <u>ITEM 7.3.1</u> APPOINTMENT OF A STRATEGIC ADVISORY COMMITTEE: POLICY ON THE MANAGEMENT OF MUNICIPAL AGRICULTURAL LAND	89	<ul style="list-style-type: none"> <li>- Said that the MM gave a commitment that they will meet within a month. What is the status, did they meet?</li> </ul>	Noted. MM will follow-up and respond.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 6****NOTED**

the report by the Municipal Manager re outstanding resolutions taken at previous Council meetings.

7.	<b>CONSIDERATION OF ITEMS BY THE EXECUTIVE MAYOR: (ALD G VAN DEVENTER (MS))</b>
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7.1	<b>COMMUNITY AND PROTECTION SERVICES: (PC : CLLR J DE VILLIERS)</b>
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7.1.1	<b>STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Safest valley

21 May 2019

**1. SUBJECT: STELLENBOSCH MUNICIPALITY CLOSED CIRCUIT TELEVISION POLICY**

**2. PURPOSE**

To submit the Stellenbosch Municipality Closed Circuit Television (CCTV) Policy to Council for approval.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

This policy has been drafted to ensure that Stellenbosch Municipality, its employees and contractors, comply with good practice, transparency and accountability in respect of the requirements of The Protection of Personal Information Act, Act No.4 of 2013, when operating Council CCTV and LPR cameras.

It also outlines the process for managing all access to CCTV and LPR data, the delegated authorities of municipal staff and municipal obligations in regard to CCTV and LPR data storage, security and signage.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.1.1**

**RESOLVED** (nem con)

- (a) that Council notes that no public comments were received for consideration; and
- (b) that Council approves the Stellenbosch Municipality Closed Circuit Television Policy.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Neville Langenhoven
<b>POSITION</b>	
<b>DIRECTORATE</b>	<b>COMMUNITY &amp; PROTECTION SERVICES</b>
<b>CONTACT NUMBERS</b>	<b>X8497</b>
<b>E-MAIL ADDRESS</b>	<b>Neville.langenhoven@ Stellenbosch.gov.za</b>
<b>REPORT DATE</b>	<b>25 March 2019</b>

7.2	<b>CORPORATE SERVICES: (PC: CLLR AR FRAZENBURG)</b>
7.2.1	<b>APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS: CORRECTION OF PROPERTY DESCRIPTION</b>

**Collaborator No:**

**IDP KPA Ref No:** *Good Governance*

**Meeting Date:** 21 May 2019 and 29 May 2019 Council meeting

**1. SUBJECT: APPLICATION TO ACQUIRE AN ADDITIONAL PORTION OF LAND FOR THE PURPOSE OF EXTENDING THE CLINIC IN KLAPMUTS: CORRECTION OF PROPERTY DESCRIPTION**

**2. PURPOSE**

To amend the previous Council resolution in order to rectify the property description.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

On 2017-09-27 Council considered a request from the Provincial Government for an additional portion of land in Klappmuts, to enable them to enlarge the current Clinic in Klappmuts.

Although Council approved the donation of a portion of land, measuring approximately 2272 m<sup>2</sup> in extent, it has now been brought to our attention that the property description is incorrect, as it only refers to a portion of erf 342, whilst it should have referred to a portion of erf 342 and the remainder portion of erf 1331 (crèche area).

Council must amend their previous decision to include both portions of land, as was the initial idea.

## **27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.2.1**

**RESOLVED** (nem con)

that the decision taken by Council on 2017-09-27 (12<sup>th</sup> Council meeting, item 7.5.1) regarding the disposal/donation of a portion of erf 342 be rescinded and replaced with the following:

- a) that a portion of erf 342 and Remainder portion of erf 1331, as indicated on Fig 2, measuring 2272m<sup>2</sup> in extent, be identified as land not needed to provide the minimum level of basic municipal services;
- b) that, seeing that the provision of a new clinic for the area is of critical importance, and seeing that the land in question was donated to Stellenbosch Municipality by the Provincial Housing Board in 1972, the land be made available to the Provincial Government free of charge;

- 
- (c) that approval be granted that the land, as indicated in figure 2, be transferred to the Western Cape Government (Chief Directorate Property Management) for the purpose of constructing a health facility, on condition that the Provincial Government of the Western Cape:
- (i) be responsible for all costs related to the transfer of the land, including, but not limited to survey and legal costs;
  - (ii) be responsible for the subdivision and rezoning cost;
  - (iii) be responsible for the upgrading of bulk infrastructure, should the need arise, and for making a contribution towards the Bulk Infrastructure Fund, as per the approved tariff structure at the time of approval of the site development plan;
  - (iv) be responsible for all service connections at the prevailing rates;
- (d) that the Provincial Government be given occupancy of the land with immediate effect, to enable them to attend to planning/building plan approval(s); and
- (e) that the Municipal Manager be authorised to sign the Deed of Donation and all documents necessary to effect the transfer of the property.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Piet Smit</b>
<b>POSITION</b>	<b><i>Manager: Property Management</i></b>
<b>DIRECTORATE</b>	<b><i>Corporate Services</i></b>
<b>CONTACT NUMBERS</b>	<b><i>021-8088189</i></b>
<b>E-MAIL ADDRESS</b>	<b><i><a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a></i></b>
<b>REPORT DATE</b>	<b><i>2019-04-12</i></b>



7.2.2	PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)
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Collaborator No:

IDP KPA Ref No:

Good Governance

Meeting Date:

21 May 2019

1. **SUBJECT: PROPOSED DISPOSAL OF ERF 347, LE ROUX (GROENDAL)**
2. **PURPOSE**  
To obtain the necessary approval/authorisation to dispose of erf 347, Le Roux, Groendal.
3. **DELEGATED AUTHORITY**  
Council must consider the matter.
4. **EXECUTIVE SUMMARY**  
Erf 347, Le Roux (Groendal) has been identified as surplus to the municipality's own needs, i.e. the municipality does not require the property to provide the minimum level of basic municipal services.  
  
For this reason Council is requested to authorise the disposal of this property by way of a Call for Proposal.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.2.2****RESOLVED** (majority vote)

- (a) that Erf 347, Le Roux (Groendal) be identified as land not needed to provide the minimum level of basic municipal services, i.e. that it can be disposed of in principle;
- (b) that Council resolves to dispose of the property by going out on a Call for Proposal, soliciting proposals to develop the land for high density gap housing opportunities; ensuring optimal use of the land, and thereby creating more opportunities for residents of the area. This may include apartments, flats or town houses of different typologies;
- (c) that the market value of the property be determined by two independent valuers and be taken into consideration in the SCM determination and reported to Council when the item is tabled for final consideration as indicated in (d) below; and
- (d) that, following the supply chain process, the matter be brought back to Council for a final decision on whether to dispose of the property under the conditions set in the supply chain process.

*Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Piet Smit</b>
<b>POSITION</b>	<b>Manager: Property Management</b>
<b>DIRECTORATE</b>	<b>Corporate Services</b>
<b>CONTACT NUMBERS</b>	<b>021-8088189</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Piet.smit@ Stellenbosch.gov.za">Piet.smit@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>2018-08-21</b>

7.3	<b>FINANCIAL SERVICES: [PC: CLLR P CRAWLEY (MS)]</b>
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NONE

7.4	<b>HUMAN SETTLEMENTS: [CLLR N JINDELA]</b>
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NONE

7.5	<b>INFRASTRUCTURE: [CLLR J DE VILLIERS]</b>
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7.5.1	<b>REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2019</b>
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Collaborator No: 642474  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 21 May 2019

**1. SUBJECT: REPLACEMENT OF EXISTING PIPE SYSTEMS EMPLOYING CONVENTIONAL AND SPECIALISED TRENCHLESS CONSTRUCTION TECHNOLOGY IN THE STELLENBOSCH MUNICIPAL AREA, FOR A CONTRACT PERIOD ENDING 30 JUNE 2019**

**2. PURPOSE**

To obtain the necessary approval for the intended amendment of the contract for the replacement of existing pipe systems.

**3. DELEGATED AUTHORITY**  
**MUNICIPAL COUNCIL.**

**4. EXECUTIVE SUMMARY**

BSM 67/17 was awarded in the 2017/18 financial year as a rate tender for a three (3) year contract period. At the time of the tender award, the total estimated value was capped on R10 million. This estimated amount was far too low for the three year period. The directorate wishes to remove this threshold in order to stay compliant with its expected expenditure on the contract, minimize water losses and provide continued service delivery in light of the recent water scarcity.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.5.1**

**RESOLVED** (majority vote)

- (a) that Council notes in terms of MFMA Section 116(3) the reasons for the increase of the capped amount;
- (b) that the tender amount (B/SM 67/17) for the construction of civil services be allowed to exceed R10 million until 30 June 2019;

- 
- (c) that Council gives reasonable notice of the intention to amend the contract or agreement in terms of Section 116(3) (b)(i);
  - (d) that the local community be invited to submit representations to the Municipality in terms of Section 116 (3)(b)(ii); and
  - (e) that a new tender process for the replacement of existing pipe systems employing conventional and specialised trenchless construction technology in the Stellenbosch municipal area be initiated during July 2019.

*The following Councillors requested that their votes of dissent be minuted:*

*Cllrs Bangani-Menziwe (Ms); DA Hendrickse; LK Horsband (Ms); Mananga-Gugushe (Ms); RS Nalumango (Ms); N Sinkinya (Ms) and LL Stander.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>18 March 2019</b>

7.6	<b>PARKS, OPEN SPACES AND ENVIRONMENT: [PC: CLLR N JINDELA]</b>
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7.6.1	<b>PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN</b>
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Collaborator No: 640919  
 IDP KPA Ref No: D 435  
 Meeting Date: 2019-05-21

**1. SUBJECT: PARADYSKLOOF NATURE AREA ENVIRONMENTAL MANAGEMENT PLAN**

**2. PURPOSE**

To present the Paradyskloof Nature Area Environmental Management Plan for Council approval.

The Paradyskloof Nature Area Environmental Management Plan (EMP) (**ANNEXURE A**) has been prepared to establish a distinct vision and overarching goal for the management of the Paradyskloof Nature Area in context off, and giving effect to, the relevant legislation and associated regulations. Following the Council Resolution of 2018-10-31, referred to in section 6.6 below, this document was advertised for public comment for a period of 60 days between December 2018 and January 2019 (**ANNEXURE B**). Comment received during this period (**ANNEXURE C**) has been considered and various amendments made (**ANNEXURE D**) culminating in the above document herewith presented to Council for approval.

**3. DELEGATED AUTHORITY**

For decision by the Council of Stellenbosch Municipality (the Municipality).

**4. EXECUTIVE SUMMARY**

Paradyskloof Nature Area (NA), an approximately 550 ha area consisting of Portion 2 of Farm 368 and portions of Farms 369 and 366 (municipal property), is situated on the south-eastern edge of Stellenbosch town above the neighbourhoods of Brandwacht and Paradyskloof. Most of the area (with specific reference to the northern and eastern mountainous area) is in a natural state with ±40 ha of mature pine still left within the old forestry area. The vegetation type of Paradyskloof NA is Cape Winelands Shale Fynbos and is a vulnerable terrestrial ecosystem.

The area is currently used for a range of outdoor recreational activities, research, events as well as for service delivery purposes. With regards to the latter a number of municipal infrastructure, including a water treatment works and reservoir, is located within the above area. Recently the clubhouse within the Paradyskloof NA has been refurbished by the Municipality.

Because of the area's ecological value, its value as public resource and its vulnerability to degradation due to past and present use it is important that an overarching management plan for the area be put in place to ensure that the Paradyskloof NA is managed in a sustainable manner. The proposed Paradyskloof NA EMP is to serve this purpose.

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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.6.1****RESOLVED** (majority vote)

that Council approves the Paradyskloof Nature Area Environmental Management Plan (March 2019) as the document to guide the management of the Paradyskloof Nature Area.

*Cllrs F Adams; DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	<b>Schalk van der Merwe</b>
<b>POSITION</b>	<b>Environmental Planner</b>
<b>DIRECTORATE</b>	<b>Community and Protection Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8679</b>
<b>E-MAIL ADDRESS</b>	<b><a href="mailto:schalk.vandermerwe@ Stellenbosch.gov.za">schalk.vandermerwe@stellenbosch.gov.za</a></b>

7.6.2	<b>USE OF PUBLIC OPEN SPACE (ERF 3931) AND PLAYGROUND AT UNIEPARK (ERF 3363) REQUESTING FOR THE CONSTRUCTION OF A MOUNTAIN BIKE CYCLING PATH AND JUNIOR CYCLING TRACK IN THE PLAY PARK IN UNIEPARK</b>
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Collaborator No: 632965  
 IDP KPA Ref No:  
 Meeting Date: 2019-05-21

**1. SUBJECT: USE OF PUBLIC OPEN SPACE (ERF 3931) AND PLAYGROUND AT UNIEPARK (ERF 3363) REQUESTING FOR THE CONSTRUCTION OF A MOUNTAIN BIKE CYCLING PATH AND JUNIOR CYCLING TRACK IN THE PLAY PARK IN UNIEPARK**

**2. PURPOSE**

- 2.1 To inform Council about a request received from a group of residents to construct a mountain bike cycling path and junior cycling track in Uniepark.
- 2.2 To request Council to accept the recommendations by the Department Community Services, namely that the request for the construction of a mountain bike cycling track and junior cycling track in the play park in Uniepark not be approved.
- 2.3 That permission be granted to construct a junior cycling track on the area as indicated in **ANNEXURE E**.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

A request was received from a group of residents to construct a mountain cycling path and junior cycling track in Uniepark (See **ANNEXURE A**). This request is supported by a group of residents via their signatures. However, when other residents became aware of the application, objections were received against the construction of a mountain cycling path and junior cycling track in Uniepark (See **ANNEXURE B**).

Council needs to take note that during 2010, an investigation was completed for the development of an Arboretum on the same park. A Landscape Architect was appointed to design a layout of the Arboretum. A public participation process was followed and based on the outcome of this process, a decision was taken to proceed with the development of the Arboretum. **ANNEXURE C** is a layout plan of the Uniepark Arboretum. Two of the five proposed blocks have already been planted with trees.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.6.2****RESOLVED** (majority vote)

- (a) that the application for the construction of a mountain bike cycling path and junior cycling track in the play park in Uniepark not be approved; and
- (b) that approval be granted for the construction of a junior cycling track in the area east of the play park in Uniepark, between the pine trees (See **ANNEXURE E**).

*Cllrs F Adams; DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Albert van der Merwe
<b>POSITION</b>	<b>Manager: Community Services</b>
<b>DIRECTORATE</b>	<b>Community and Protection Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8161</b>
<b>E-MAIL ADDRESS</b>	<b>albert.vandermerwe@ Stellenbosch .gov.za</b>
<b>REPORT DATE</b>	<b>April 2019</b>

7.7	<b>PLANNING AND ECONOMIC DEVELOPMENT: [PC: CLLR E GROENEWALD (MS)]</b>
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7.7.1	<b>DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY , MARCH 2019</b>
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Collaborator No: 643770  
 IDP KPA Ref No:  
 Meeting Date: 2019-05-21

**1. SUBJECT: DRAFT LAND USE ENFORCEMENT POLICY FOR STELLENBOSCH MUNICIPALITY, MARCH 2019**

**2. PURPOSE**

To request Council's approval for public consultation of the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, attached as **APPENDIX 1**.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The increased number of land use complaints within the district of Stellenbosch Municipality, necessitated the formulation of the Land Use Enforcement Inspectorate, within Land Use Management. The positions within the Land Use Inspectorate include the following positions:

- Senior Land Use Inspector (x2)
- Land Use Inspector (x2)
- Administrative Officer (x2)

Once the unit was formed it became clear that identifiable processes and procedures were required, in order to ensure effective and efficient land use enforcement methods. The formulation and approval of a Land Use Enforcement Policy will set the standard for uniformity when these enforcement methods are applied.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.7.1**

**RESOLVED** (majority vote with abstentions)

- (a) that the draft Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be approved in principle; and
- (b) that the Land Use Enforcement Policy for Stellenbosch Municipality, March 2019, be advertised for public comment for a period of 60 days, whereafter same be submitted to Council for final consideration and subsequent adoption in terms of the Local Government Municipal Systems Act No. 32 of 2000.



7.7.2	<b>RECOMMENDATION AND FINDING IN RESPECT OF THE APPOINTMENT OF EXTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBERS AS DETERMINED BY THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)</b>
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Collaborator No:	644889
IDP KPA Ref No:	Good Governance and Compliance
Meeting Date:	21 May 2019 (Mayco) and 29 May 2019 (Council)

**1. SUBJECT: RECOMMENDATION AND FINDING IN RESPECT OF THE APPOINTMENT OF EXTERNAL MUNICIPAL PLANNING TRIBUNAL MEMBERS AS DETERMINED BY THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BY-LAW (2015)**

**2. PURPOSE**

To obtain the approval from Council by accepting the appointment of external Municipal Planning Tribunal members for a maximum period as determined by Council in terms of the Stellenbosch Municipal Land Use Planning By-law (2015) (herein after referred to as "the By-law").

**3. DELEGATED AUTHORITY**

**For decision by Council.**

In terms of the Stellenbosch Municipality Land Use Planning By-law 2015; the Spatial Planning Land Use Management Act No 16 of 2013 [SPLUMA] and the Western Cape Land Use Planning Act No 3 of 2014 [LUPA], as well as regulations governing these pieces of legislation (SPLUMA/LUPA).

**4. EXECUTIVE SUMMARY**

In terms of Section 70(1) of Stellenbosch Municipality Land Use Planning By-law (2015), read with Section 35 (1) of SPLUMA, the Municipality must establish a Municipal Planning Tribunal to consider and decide on land use applications made in terms of the By-law.

Council resolved, per item 8.6 on 27 May 2015 that the term of office for the current Stellenbosch MPT shall be a period of three years which period came to an end on 1 March 2019. Subsequently Council resolved, per item 8.6 on 25 November 2015 to appoint external Municipal Planning Tribunal members as recommended by the evaluation panel for the three year period referred to above. Council recently resolved, per item 8.2.2 on 27 February 2019 to extend the term of office of the current Municipal Planning Tribunal for a further period of four months until 1 July 2019.

On 27 March 2019 Council resolved that the invitation and call for nominations in terms of Section 72 (1)(b) of the By-law of suitably experienced and qualified external professionals to serve as members of the Municipal Planning Tribunal in terms of the provisions of the Stellenbosch Municipal Land Use Planning By-law (2015) be approved (attached as **ANNEXURE F**).

In line with the above, adverts were placed in various local and regional newspapers on 4 April 2019, calling on nominations of suitably experienced and qualified professionals to serve on the Municipal Planning Tribunal. These adverts were placed on the Stellenbosch Municipal Website and in the following newspapers:

- Eikestadnuus
- Paarl Post
- Die Burger
- Cape Times

In total 21 nominations were received, which are attached as **ANNEXURE A**. The purpose of this report is to make recommendations to Council.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.7.2****RESOLVED** (majority vote with abstentions)

- (a) that the nominations made by the evaluation panel for the commencement of appointment for the following external Municipal Planning Tribunal Members be accepted as:
- Christine Havenga
  - Jason Michael Juries
  - Hedwig Crooijmans-Lemmer
  - Dr Daniël Jakobus Du Plessis
  - Dr Ruida Pool-Stanvliet
  - Jacobus Eddie Delpot
  - Christiaan Klopper Rabie
- (b) that Council takes cognizance that the following Internal Municipal Planning Tribunal Members have been appointed in accordance with Council resolution (Item 7.3.3 (d)), dated 26-07-2017, which appointment memorandum is attached as **Annexure G**:
- (i) Manager: Spatial Planning, Directorate Planning and Economic Development;
  - (ii) Senior Manager: Infrastructure Planning, Development and Implementation, Directorate Infrastructure Services;
  - (iii) Senior Legal Advisor, Directorate Corporate Services;
  - (iv) Senior Manager: Community Services, Directorate Community and Protection Services;
  - (v) Senior Environmental Planner, Environmental Management, Directorate Community and Protection Services;
  - (vi) Manager: IDP and Performance Management, Department Governance, Office of the Municipal Manager;
  - (vii) Manager Infrastructure Implementation Services, Directorate Infrastructure Services; as well as
  - (viii) The Technical Advisor and *secundus* from the Department of Environmental Affairs and Development Planning;
- (c) that in terms of Section 72.10 (a) & (b) of the Stellenbosch Municipal Land Use Planning By-law, Council supports and approves the recommendation for the appointment of Dr Daniël Jakobus Du Plessis as Chairperson and Ms Christine Havenga as Deputy Chairperson.

*Cllrs F Adams; DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Hedre Dednam
<b>POSITION</b>	Land Use Manager
<b>DIRECTORATE</b>	Planning and Economic Development
<b>CONTACT NUMBERS</b>	021 808 8674
<b>E-MAIL ADDRESS</b>	hedre.dednam@ Stellenbosch.gov.za
<b>REPORT DATE</b>	15 May 2019

7.8	RURAL MANAGEMENT AND TOURISM: [PC: CLLR S PETERS]
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NONE

7.9	YOUTH, SPORTS AND CULTURE: [PC: M PIETERSEN ]
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NONE

7.10	REPORTS SUBMITTED BY THE MUNICIPAL MANAGER
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7.10.1	REVISED PERFORMANCE MANAGEMENT POLICY
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Collaborator No:

IDP KPA Ref No:

Meeting Date:

Good Governance and Compliance

21 May 2019 (MayCo) and 29 May 2019 (Council)

**1. SUBJECT: REVISED PERFORMANCE MANAGEMENT POLICY****2. PURPOSE**

To submit the Revised Performance Management Policy for approval.

**3. DELEGATED AUTHORITY**

**Municipal Council.**

Stellenbosch Municipality has been mandated in terms of section 40 of the Local Government Municipal Systems Act, 32 of 2000 (MSA), to manage the development of a performance management system and submit it to Council for adoption.

**4. EXECUTIVE SUMMARY**

To table the revised Performance Management Policy for consideration and approval by Council. This policy has been revised to be applicable for the 2019/10 financial year to improve service excellence.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.10.1****RESOLVED** (nem con)

that Council **approves** the publication of the Revised Performance Management Policy for public comment as prescribed by Section 21 A of the MSA for a period of 21 days.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Gurswin Cain
<b>POSITION</b>	IDP Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	(021) 808-8174
<b>E-MAIL ADDRESS</b>	Gurswin.Cain@ Stellenbosch.gov.za
<b>REPORT DATE</b>	9 May 2019

7.10.2	<b>PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY</b>
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Collaborator No:

IDP KPA Ref No:

Good Governance and Compliance

Meeting Date:

21 May 2019 (Mayco) and 29 May 2019 (Council)

**1. SUBJECT: PROPOSED TRANSFER OF MANAGEMENT AND OWNERSHIP OF VAALDRAAI (ELSENBURG) FROM PROVINCIAL GOVERNMENT OF THE WESTERN CAPE TO STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To consider an application from the Provincial Department of Transport and Public Works, requesting that Stellenbosch Municipality take over the management of Vaaldraai with the view of township establishment and ultimate transfer of ownership to individual residents / beneficiaries.

**3. DELEGATED AUTHORITY**

For decision by Municipal Council.

**4. EXECUTIVE SUMMARY**

On 2010-04-13 Council considered a request from the Provincial Department of Transport and Public Works to take over the Management of Vaaldraai, with the view of attending to the township establishment and ultimate transfer of land to residents/beneficiaries. Having considered the report, Council (at the time) decided not to approve of the application but to advise the Provincial Government to attend to the township establishment themselves. A new request has now been received, for consideration by Council.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 7.10.2**

**RESOLVED** (nem con)

- (a) that Council, in principle, agrees to take over the Management of the Vaaldraai Settlement, as an interim arrangement;
- (b) that Council, in principle, agrees to attend to the township establishment of Vaaldraai, subject thereto that additional land be made available, the detail to be agreed upon;
- (c) that before any final decision in this regard is made (i.e. (a) and (b) above) the Department: Planning and Economic Development be requested to conduct a feasibility study, which study must also attend to the availability (or not) of bulk infrastructure as well as the identification of additional land to be transferred, taking into account the number of residents/backyard dwellers already on the property; and
- (d) that, following the feasibility study, a progress report be submitted to Council with the view of making a final determination on the matter.

8.	<b>CONSIDERATION OF ITEMS, REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED VIA THE OFFICE OF THE MUNICIPAL MANAGER</b>
8.1	<b>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): [CLLR WF PIETERSEN]</b>
8.1.1	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2016/2017 FINANCIAL YEAR</b>

**Collaborator No:** 641872  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 10 May 2019

**1. SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO THE 2016/2017 FINANCIAL YEAR**

**2. PURPOSE OF REPORT**

To provide information regarding the unauthorised expenditure incurred in the 2016/17 financial year, and to be recommended to and considered by Council to certify the expenditure as irrecoverable and that it be written off by Council.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

Section 32(2)(a) of the Municipal Finance Management, 2003 (Act 56 of 2003) (MFMA) requires a municipality to recover unauthorised, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure, in the case of unauthorised expenditure, is authorised in an adjustment budget, or certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council.

Overspending of non-cash line items were identified in the 2016/17 financial year which was not aligned with Council-approved policies and the Municipal Financial Management Act. These line items were budgeted for, but expenditure was more than anticipated. Moreover, this expenditure was incurred in the 2016/17 financial year and was only reported in the 2017/18 financial statements.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.1**

**RESOLVED** (majority vote)

- (a) that Council takes note of the explanations given by the Municipal Manager and the corrective measures as provided in the report; and
- (b) that, in terms of the MFMA Section 32(2), Council certifies the unauthorised expenditure of R2 175.00 as irrecoverable, and that this amount be written off.

*Cllrs DA Hendrickse and LK Horsband requested that their votes of dissent be minuted.*

8.1.2	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY AFFIRMATIVE PORTFOLIOS (PTY) LTD</b>
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**Collaborator No:** 642258  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY AFFIRMATIVE PORTFOLIOS (PTY) LTD**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write-off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regard to the procurement of services for the hire of labour as and when required for Solid Waste Management during the months of January - April 2018 is regarded as irregular because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to write off the irregular expenditure as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment of Affirmative Portfolios (Pty) LTD.

**4. EXECUTIVE SUMMARY**

The Solid Waste Management Department required an external service provider for the hiring of labour as and when required. Affirmative Portfolios were appointed through a Formal Quotation process to a maximum value of R200 000.

The Superintendent: Collections failed to check whether the FQ was exceeded, and booked workers on incorrect days (Sundays and Public Holidays) which increased the service provider's cost, also causing it to exceed the FQ value.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.2**

**RESOLVE** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that, in terms of the MFMA Section 32(2), Council writes off the irregular expenditure of R29 723.60 (VAT inclusive) to Affirmative Portfolios (Pty) LTD as irrecoverable; and
- (c) that the Administration implements consequence management.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director: Infrastructure Services</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	021 808 8213
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2018/08/27

8.1.3	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY ENGAR WASTE SERVICES T/A WASTE CARRIERS</b>
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Collaborator No: 642262  
IDP KPA Ref No: Good Governance  
Meeting Date: 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY ENGAR WASTE SERVICES T/A WASTE CARRIERS**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regard to the procurement of services for the transport of containerized waste for Solid Waste Management during the months of March - August 2018 is regarded as irregular because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to write off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment of Engar Waste Services t/a Waste Carriers.

**4. EXECUTIVE SUMMARY**

The initial procurement for a service provider was done via an FQ process, and Engar Waste Services t/a Waste Carriers was the successful service provider. This order was generated on 4 January 2018, but due to the additional tasks of Area Cleaning, which were transferred to Solid Waste Management on 1 January 2018, this FQ was exhausted quicker than anticipated. The Manager: Solid Waste Management requested that a deviation be drafted, as well as a formal tender process to procure the services. Although the tender process was followed as requested, problems were experienced with the deviation process due to a number of reasons outlined below.

The intent of the irregular expenditure was done in good faith, in the interest of continued service delivery, and the expenditure of the service received was in line with the rates of the original SCM process followed, viz the Formal Quotation.

While the process was admittedly flawed, it is agreed that there were no *male fide*, personal gain or loss for Council, and it is requested that consideration be given to certify the irregular expenditure as irrecoverable and that it be written off.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.3****RESOLVED** (nem con)

- (a) that Council takes note of the circumstances as provided in the report; and
- (b) that, in terms of the MFMA Section 32(2), Council writes off the irregular expenditure of R578 047.30 (VAT inclusive) to Engar Waste Services t/a Waste Carriers as irrecoverable.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<i>Director: Infrastructure Services</i>
<b>DIRECTORATE</b>	<i>Infrastructure Services</i>
<b>CONTACT NUMBERS</b>	021 808 8213
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	2018/08/27



8.1.4	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY HYDRENCO (PTY) LTD FOR REPAIRS TO REFUSE TRUCK</b>
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Collaborator No: 642261  
IDP KPA Ref No: Good Governance  
Meeting Date: 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY HYDRENCO (PTY) LTD FOR REPAIRS TO REFUSE TRUCK**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regards to the repairs of a refuse truck by Hydrenco (Pty) Ltd for Solid Waste Management during September 2017 is regarded as irregular because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to write off the irregular expenditure as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment of Hydrenco (Pty) Ltd for repairs to a refuse truck.

**4. EXECUTIVE SUMMARY**

On 26 September 2017 the Solid Waste Management's refuse truck (CL 27933) experienced a mechanical breakdown. The breakdown was as a result of an oil leak that needed to be attended to urgently. The vehicle was taken to a service provider Hydrenco (Pty) Ltd to be stripped to assess the damage and to quote for the repairs. The vehicle was stripped and a quote for R 12 734.70 was generated on 29 September 2017.

The service provider proceeded with the repairs and returned the vehicle to the Municipality. The Department did not load a requisition and no purchase order was generated for the work.

The Department recently became aware of the non-payment and would like to rectify this.

The intent of the irregular expenditure was done in good faith, in the interest of continued service delivery, and the expenditure of the service received was in line with the rates of the original SCM process followed, viz the Formal Quotation.

While the process was admittedly flawed, it is agreed that there were no *male fide*, personal gain or loss for Council, and it is requested that consideration be given to certify the expenditure as irrecoverable and that it be written off.

**27<sup>TH</sup> COUNCIL: 2019-05-29: 2019-05-29: ITEM 8.1.4****RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that, in terms of the MFMA Section 32(2), Council writes off the irregular expenditure of R12 734.70 (VAT included) to Hydrenco (Pty) Ltd as irrecoverable; and
- (c) that the Administration implements consequence management.

*The following Councillors requested that their votes of dissent be minuted:*

*Cllr F Adams; DA Hendrickse and LK Horsband (Ms).*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director: Infrastructure Services</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>2018/08/27</b>

8.1.5	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY RESOURCE INNOVATIONS FOR HIRING OF GENSET</b>
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Collaborator No: 642260  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY RESOURCE INNOVATIONS FOR HIRING OF GENSET**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regard to the hiring of a Genset to supply electricity to the baling equipment used by Resource Innovations for Solid Waste Management during the months of July 2017 and December 2017 until June 2018 is regarded as irregular because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to write off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment of Resource Innovations for the hiring of a Genset.

**4. EXECUTIVE SUMMARY**

Resource Innovations was the successful bidder for B/SM 18/17 for the collection and processing of recyclables in the WCO24, and was appointed on 1 December 2016 for a period of 1 year, with the option to extend the contract for another 12 months. As part of the conditions of the bid, Stellenbosch Municipality had to provide a concrete platform to work from, and 3-phase power for the bidder to utilize their baling equipment, in order to compress all recyclables and minimize voids for transport.

Over the period of time that the service provider rendered the services, no problems were encountered in terms of the primary orders made out for the collection and processing of recyclables.

The biggest problem encountered was for the hiring of a Genset, for the cost to the municipality, due to the inability of the municipality to supply sufficient electricity to the service provider.

The initial problem was due to loss of power due to distance traversed (and vandalism and theft), and thereafter, failure to install mini-substation within the initial envisaged time period. When this was completed in January 2018, further time delays were experienced for the short connection of power from the mini-substation to the connection point from where the balers would be operating. All electricity was finally in place by 30 November 2018.

The intent of the irregular expenditure was done in good faith, in the interest of continued service delivery, and the expenditure of the service received was in line with the rates of the original SCM process followed, viz the Formal Quotation.

While the process was admittedly flawed, it is agreed that there were no *male fide*, personal gain or loss for Council, and it is requested that consideration be given to certify the expenditure as irrecoverable and that it be written off.

#### 27<sup>TH</sup> COUNCIL: 2019-05-29: 2019-05-29: ITEM 8.1.5

#### RESOLVED (majority vote)

- (a) that Council takes note of the circumstances as provided in the report; and
- (b) that Council ratifies the irregular expenditure of R183 000 (VAT inclusive) to Resource Innovations, and that this amount be written off as irrecoverable in terms of the MFMA Section 32(2).

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

#### FOR FURTHER DETAILS CONTACT:

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director: Infrastructure Services</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>2018/08/27</b>

8.1.6	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY CPI CONSORTIUM (PTY) LTD</b>
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Collaborator No: 642259  
 IDP KPA Ref No: Good Governance  
 Meeting Date: 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY CPI CONSORTIUM (PTY) LTD**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to write off the irregular expenditure as irrecoverable in terms of the MFMA Section 32 (2). The irregular expenditure with regard to the procurement of services for the hire of labour as and when required for Solid Waste Management during the month of May 2018 is regarded as irregular because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to write off the irregular expenditure as irrecoverable as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment of CPI Consortium (Pty) Ltd.

**4. EXECUTIVE SUMMARY**

The Solid Waste Management Department required an external service provider for the hire of labour as and when required. CPI Consortium (Pty) Ltd were appointed through a three quotation system to a maximum value of R30 000.

The Superintendent: Collections failed to check whether the order was exceeded and booked labour for the month of May 2018, also causing it to exceed the R30 000 order value. This was due to staff shortages, and as there were many unfilled vacancies, made continuous use of the service provider in order to render waste collection services.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.6**

Councillor DA Hendrickse requested that it be minuted that the Service Providers were not paid.

**RESOLVED** (nem con)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that, in terms of the MFMA Section 32(2), Council writes off the irregular expenditure of R16 027.19 (VAT incl) to CPI Consortium (Pty) Ltd as irrecoverable; and
- (c) that the Administration implements consequence management.

8.1.7	<b>CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY F.G. JACOBS TRANSPORT CC FOR THE HIRING OF A DIGGER LOADER</b>
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**Collaborator No:** 642265  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 10 May 2019

**1 SUBJECT: CONSIDERATION OF EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY F.G. JACOBS TRANSPORT CC FOR THE HIRING OF A DIGGER LOADER**

**2. PURPOSE OF REPORT**

To provide information regarding the expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the expenditure in terms of the MFMA Section 32 (2). The expenditure with regard to the hiring of digger loader services from F.G. JACOBS TRANSPORT CC for services rendered to Water Services Department during February and March 2019 is regarded as irregular, because it breached the procurement process.

**3. DELEGATED AUTHORITY**

Council.

Council to ratify the expenditure as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness for the payment to F.G. JACOBS TRANSPORT CC for digger loader services rendered.

**4. EXECUTIVE SUMMARY**

Water Services Department utilized the serviced of F.G. JACOBS TRANSPORT CC to hire a digger loader to provide essential services for excavations and to restore water supply to areas affected by the repairs of damaged water mains. Two consecutive formal appointments were done through a formal quotation and a quotation process. In the period awaiting the utilization of Tender BSM 111/18, F.G. JACOBS TRANSPORT CC continued to provide the much needed essential services during the month of February 2019 up until 22 March 2019.

An official purchase order for this service was only generated on 22 March 2019. The Department is aware of service provision without an official purchase order and would like to correct this.

The intent of the irregular expenditure was done in good faith, in the interest of continued service delivery, and the expenditure of the service received was in line with the rates of the original SCM process followed, viz the Formal Quotation.

While the process was admittedly flawed, it is agreed that there were no male fide, personal gain or loss for Council, and it is requested that consideration be given to certify the expenditure.

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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.7****RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the circumstances as provided in the report;
- (b) that Council ratifies the expenditure of R 95 550.00 (Excl. VAT) to F.G. JACOBS TRANSPORT CC in terms of MFMA Section 32 (2); and
- (c) that the Administration implements consequence management.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Deon Louw
<b>POSITION</b>	<b>Director: Infrastructure Services</b>
<b>DIRECTORATE</b>	<b>Infrastructure Services</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8213</b>
<b>E-MAIL ADDRESS</b>	<a href="mailto:Deon.louw@ Stellenbosch.gov.za">Deon.louw@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	<b>2019/04/25</b>

8.1.8	<b>CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LITRONICS FOR SIMONSBURG HIGH SITE RENTAL</b>
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**Collaborator No:** 642266  
**IDP KPA Ref No:** Good Governance  
**Meeting Date:** 10 May 2019

**1. SUBJECT: CONSIDERATION OF IRREGULAR EXPENDITURE INCURRED RELATING TO SERVICES RENDERED BY LITRONICS FOR SIMONSBURG HIGH SITE RENTAL**

**2. PURPOSE OF REPORT**

To provide information regarding the irregular expenditure incurred for investigation by MPAC and to be recommended to and consideration by Council to ratify the irregular expenditure in terms of the MFMA Section 32 (2). The irregular expenditure occurred with regard to telemetry and repeater high site in order to facilitate communications to remotely monitor the electrical substation operations and relay operational data to the main offices to compile trends of performances.

**3. DELEGATED AUTHORITY**

Council.

Council to ratify the irregular expenditure as the specific nature of the breach is a breach of the procurement process, not impacting in any significant way on the essential fairness, equity, transparency, competitiveness or cost effectiveness, for the payment and continued service of Litronics Two Way Radios CC for the hiring of telemetry and repeater high site in order to facilitate communications to remotely monitor the electrical substation operations and relay operational data to the main offices to compile trends of performances.

**4. EXECUTIVE SUMMARY**

The Municipality requires a telemetry and repeater high site in order to facilitate communications for remotely monitor the electrical substation operations and relay operational data to the main offices to compile trends of performances. This is also used to relay any alarms from substations in an event which requires attention to be able to act in a preventative manner on the network. These alarms also indicate should there be an event of power failure, from which substation it occurred and the status of the equipment in the affected substation.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.1.8**

**RESOLVED** (majority vote)

- (a) that Council takes note of the circumstances as provided in the report; and
- (b) that Council, in terms of MFMA Section 32 (2), ratifies the expenditure from July 2018 until April 2019 for the amount of R11 078.26 (incl. VAT) as per the attached statement and for May 2019 until June 2019 for the amount of R2 376.08 (incl. VAT), in total amounting to R 13 454.34 (incl. VAT) for Litronics Two Way Radios CC.

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*



8.2	OFFICE OF THE MUNICIPAL MANAGER
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8.2.1	ADOPTION OF THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019
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Collaborator No: 644098  
 File No: LU1/1/1/40  
 IDP KPA Ref No: D534  
 Meeting Date: 29 May 2019

1. **SUBJECT: ADOPTION OF THE STELLENBOSCH MUNICIPALITY ZONING SCHEME BY-LAW, 2019**
2. **PURPOSE OF REPORT**

To submit the Stellenbosch Municipal Zoning Scheme By-Law, 2019 for adoption by Council.

#### **INTRODUCTION**

The same report served on the Agenda of the Council meeting of 31<sup>st</sup> of October 2018. However, it was withdrawn by the Speaker.

In the meantime an Information session was held with the ward Councilors on the 29<sup>th</sup> of November 2018 to explain the proposed Stellenbosch Municipality Zoning Scheme By-Law, 2018 and give opportunity for clarification on the document.

During December 2018, the Executive Mayor was approached by a delegation of the Stellenbosch Agricultural Society to discuss the proposals in the document with regards to the definition of "Agricultural Industry". A meeting was scheduled with the administration on 4 April 2019. The minutes are attached as **ANNEXURE G**.

The main concern was the requirement in the above mentioned definition that in order for an Agricultural Industry to be approved, 50% of the produce should be produced on the farm. If not, a Land Use Application to Rezone had to be submitted.

However, it was proposed to take the respective requirement out of the definition and incorporate it as part of the development parameters in the Agriculture and Rural Zone. This will give the opportunity to submit a Departure application for the administration to assess, instead of a Rezoning. The document was amended accordingly.

- 2.1 To report back to Council on the public participation on the Draft Integrated Zoning Scheme By-law (Version 11) after Council authorised the Municipal Manager through Council Resolution 8.10 dated 30/08/2017, attached as **ANNEXURE A**, to embark on a second round of public participation;
- 2.2 To obtain approval from Council to adopt the Stellenbosch Municipality Zoning Scheme By-law, (Version 12), attached as **ANNEXURE B** in accordance with Section 156(2) of the Constitution read with Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000), Section 24(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), as well as Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);
- 2.3 And to adopt the Zoning Maps numbered Map 01 to Map 25, dated October 2018 attached as **ANNEXURE C** and captured on the Municipality's GIS as the zoning maps adopted at the commencement of the Scheme in terms of Section 4(1) of the newly approved Stellenbosch Municipality Zoning Scheme.

- 2.4 To obtain approval from Council, for the proclamation of the Stellenbosch Zoning Scheme By-law, 2019 to be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) and Section 13(a) of the Municipal Systems Act, 2000 (Act 32 of 2000) for implementation on the 2nd of January 2019;
- 2.5 To obtain approval from Council to publish the decision to approve the zoning maps in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA);
- 2.6 To obtain approval for the Administration to notify the Premier in terms of Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) that the Stellenbosch Municipality Zoning Scheme was approved and to forward the relevant documentation as prescribed in LUPA to the Premier (Copy of the approved zoning scheme, together with the comments and responses document, attached as **ANNEXURE F**);
- 2.7 For Council to take cognisance that the additional Delegations for the implementation of the Stellenbosch Zoning Scheme By-Law, 2019, will be submitted to Council for approval accordingly;
- 2.8 To obtain permission from Council to embark on a tender process, in terms of the Municipal Finance Management Act to undertake a Zoning Audit in order to finalise the Zoning Scheme Register, according to the newly adopted Zoning Categories pertaining to this report. Distributed with this item is an extract of the current zoning register, attached as **ANNEXURE D**.

### 3. DELEGATED AUTHORITY FOR DECISION BY THE MUNICIPAL COUNCIL OF STELLENBOSCH

The adoption of the Stellenbosch Municipality Zoning Scheme By-law, 2019 is legally mandated by the Municipal Systems Act (2000), read together with the new planning dispensation, which includes the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA), the Spatial Planning and Land Use Planning Act, 2013 (Act 16 of 2013) (SPLUMA) and the Stellenbosch Municipal Land Use Planning By-Law (2015) (the By-law).

### 4. EXECUTIVE SUMMARY

Council resolved as follows:

**11<sup>TH</sup> COUNCIL MEETING: 2017-08-30: ITEM 8.10 RESOLVED** (majority vote with abstentions)

- (a) *that Council authorises the Municipal Manager to:*
  - (i) *proceed with re-advertising of the Draft IZS By-Law Annexure B for a period of 60 days; and*
  - (ii) *copies of the document (version 11), the draft converted zoning maps and zoning register be placed at all municipal libraries for a period of 60 days; and*
- (b) *that the Final Draft Integrated Zoning Scheme By-law be resubmitted to Council after the public participation process for final consideration.*

Meeting:	11 <sup>th</sup> Council 2017-08-30	Submitted by Directorate:	Planning and Economic
Ref no:	1/1/1/40	Author:	Development
Collab:	535920	Referred from:	Manager: LUM

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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.1****RESOLVED** (majority vote with abstentions)

- (a) that Council adopts the Stellenbosch Municipality Zoning Scheme By-law, 2019 (Version 12), attached as **ANNEXURE B** in accordance with Section 156(2) of the Constitution read with Section 12 of the Municipal Systems Act, 2000 (Act 32 of 2000), Section 24(1) of the Spatial Planning and Land Use Management Act, 2013, (Act 16 of 2013) as well as Section 28 of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014);
- (b) that Council approves the Zoning Scheme Maps, (Map 01 to Map 25, dated October 2018) attached as **ANNEXURE C** in terms of Section 4 of the newly approved Stellenbosch Municipality Zoning Scheme By-law;
- (c) that Council approves the proclamation of the Stellenbosch Municipality Zoning Scheme By-law, 2019 to be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (LUPA) for implementation and consents to the publication of its decision to approve the zoning maps at the same time;
- (d) that the following existing Zoning Scheme Regulations and any related amendments be repealed with implementation, in terms of Section 33(4) of the Land Use Planning Act, 2014:
  - LUPO Section 8 Scheme Regulations in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
  - Stellenbosch Zoning Scheme regulations, July 1996, in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
  - Franschhoek Town Planning Scheme Regulations in terms of Section 7(2) of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985);
  - Kayamandi Town Planning Scheme, 1985 in terms of the Black Communities Development Act, 1984;
  - The Stellenbosch Municipality By-Law relating to the control of Boundary Walls and Fences, October 2009 in terms of the Municipal Systems Act, 2000 (Act 32 of 2000), and
  - Relevant policies adopted by Council.
- (e) that consent is granted from Council to embark on a tender process, in terms of the Municipal Finance Management Act to undertake a Zoning Audit in order to finalise the Zoning Scheme Register, according to the newly adopted Zoning Categories pertaining to this report;
- (f) that the Zoning Scheme Register, after finalisation, be submitted to Council for approval whereafter it be published in the Provincial Gazette in terms of Section 29(2) of the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA) to be implemented with the already approved Stellenbosch Zoning Scheme By-Law, 2019;
- (g) that the additional delegations in respect of new decisions and actions arising from the implementation of the Stellenbosch Municipality Zoning Scheme By-Law, 2019 be submitted to Council for approval accordingly;

- 
- (h) that Council authorises the Administration to notify the Premier in terms of Section 28 of the Western Cape Land Use Planning Act, 2014 (LUPA) that the Stellenbosch Municipality Zoning Scheme was approved and to forward documentation as prescribed in LUPA to the Premier; and
- (i) that Council takes cognisance of the outcome of the meeting held with the Agricultural Society of Stellenbosch on the 4<sup>th</sup> of April 2019, attached as **ANNEXURE G** and the proposed amendments incorporated {(as explained in **6.2 Discussion (6.2.3)** of this report and Page 61-62 of the Public Participation Report attached as **ANNEXURE F**} and reference to **ANNEXURE H** (track changes) in the Stellenbosch Municipality Zoning Scheme By-Law, 2019 (Version 12), attached as **ANNEXURE B**.

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

8.2.2	ANNUAL YOUTH DAY SPORT EVENT: MAYORAL CUP
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Collaborator No:

File No: 645108

IDP KPA Ref No:

Meeting Date: 29 May 2019

**1. SUBJECT: ANNUAL YOUTH DAY SPORT EVENT: MAYORAL CUP**

**2. PURPOSE**

To inform Council about the following:

- 2.1 The hosting of an annual Mayoral Cup for youth soccer teams, organized by the Directorate: Community and Protection Services.
- 2.2 This year (2019) the event will consist of a soccer tournament at the Jamestown Sport Facility.
- 2.3 The event will rotate annually between different, suitable sports facilities within WC024.
- 2.4 That the concept proposal for the Annual Youth Day Sport Event be accepted by Council.

**3. DELEGATED AUTHORITY**

Municipal Council

**4. EXECUTIVE SUMMARY**

The need was identified for an annual youth day sport event, namely the Annual Mayoral Cup. The first event in this format took place in Cloetesville in 2018. The event will rotate between the suitable venues identified within WC024. This year's (2019) Annual Mayoral cup will be a Soccer Event hosted by Stellenbosch Municipality in collaboration with Stellenbosch Local Football Association (SLFA) and will be staged at the Jamestown Sports facility.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.2**

**RESOLVED** (majority vote with abstentions)

- (a) that the Mayoral Cup concept proposal be accepted by Council and that it be implemented effective June 2019; and
- (b) that the schedule of rotation between the different municipal sport facilities be approved.

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their abstentions be minuted.*

8.2.3	INTEGRATED DISASTER RISK FRAMEWORK
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date: 29 May 2019

**1. SUBJECT: INTEGRATED DISASTER RISK FRAMEWORK****2. PURPOSE**

To obtain Council's approval for an Integrated Disaster Risk Framework for Stellenbosch municipality and for the implementation thereof.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The ultimate responsibility for Disaster risk management (DRM) in South Africa rests with government. In terms of Section 41(1)(b) of the Constitution of the Republic of South Africa, 1996 (Act No.108 of 1996), all spheres of government are required to "secure the wellbeing of the people of the Republic". According to Part A, Schedule 4, disaster management is a functional area of concurrent national and provincial legislative competence.

*However, Section 156(4) of the Constitution does provide for the assignment of the administration of any matter listed in Part A Schedule 4 which necessarily relates to Local Government, if that matter would most effectively be administered locally and if the municipality has the capacity to administer it. The assignment of the function must however be by agreement and subject to any conditions.*

In this context Schedules 4 and 5 of Part B of the Constitution require local government to provide for functions which are closely allied to DRM and in particular, section 152(1)(d) requires local government to 'ensure a safe and healthy environment.' The Stellenbosch Municipal Integrated Disaster Risk Management Framework (hereinafter referred to as the IDRMF) is herewith written under the authority given under section 53 of the Disaster Management Amendment Act, Act 16 of 2015.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.3**

**RESOLVED** (majority vote with abstentions)

that Council approves the Integrated Disaster Risk Framework for Stellenbosch municipality.

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Wayne Smith
<b>POSITION</b>	Manager: Fire Services and Disaster Management
<b>DIRECTORATE</b>	Community and Protection Services
<b>CONTACT NUMBERS</b>	Ext 8771
<b>E-MAIL ADDRESS</b>	wayne.smith@stellenbosch.gov.za
<b>REPORT DATE</b>	15 May 2019

8.2.4	<b>TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR</b>
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**Collaborator No:**

**File No:**

**IDP KPA Ref No:** Valley of Possibility

**Meeting Date:** 29 May 2019

**1. SUBJECT: TABLING OF REPORT SEEKING AUTHORISATION FOR THE MUNICIPAL MANAGER TO ENTER INTO MULTI-STAKEHOLDER ENGAGEMENT TO EXPLORE POTENTIAL TO UNLOCK THE RE-GENERATION AND TRANSFORMATION POTENTIAL OF THE ADAM TAS CORRIDOR**

**2. PURPOSE**

The purpose of the report is to:-

- (a) To inform Council of the proposed development concept between multi-stakeholder, national government, provincial government, and private stakeholders.
- (b) Seek the support from Council to authorize the Municipal Manager to enter into a multi-stakeholder engagement involving, the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;
- (c) Seek the support from Council to authorize the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative; and
- (d) Seek the support from Council to authorize the Municipal Manager to undertake further work to explore the feasibility, dependencies, and risks associated, etc. in determining the appropriate path for unlocking the Adam Tas Corridor.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

Challenges highlighted during the State of the National Address included, unemployment, education, building of safer communities, sustainable infrastructure development, land reforms, drought disaster management plans, implementation of related initiatives, provision of housing (dignified living), provision of services to the poor households. These were echoed by the Western Cape Premier who further reiterated the importance of finding ways to minimise unemployment by creating an environment that encourages job creation, through investment and growth. The proposed Adam Tas Corridor provide an unique opportunity for such an initiative to address these challenges through a private- public partnership. Furthermore, this proposed corridor is aligned to our draft Spatial Development Framework (SDF) currently under consideration. It provide a unique opportunity for the municipality to explore the potential for the re-generation and transformation of the Adam Tas Corridor. This initiative is aligned to the national and provincial vision of private- public partnerships to address community needs.. It is important to note that the recommendations below is are in line with the Draft Spatial Development Framework.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.4****RESOLVED** (majority vote)

- (a) that Council authorizes the Municipal Manager to enter into a multi-stakeholder engagement involving the key national departments, relevant local government institutions, the university, private stakeholders, and various landowners;
- (b) that Council authorizes the Municipal Manager to explore a public private partnership for the Adam Tas Re-generation Initiative;
- (c) that Council authorizes the Municipal Manager to undertake further work to explore the feasibility, dependencies, and associated risks, etc. in determining the appropriate path for unlocking the Adam Tas Corridor; and
- (d) that the Municipal Manager provides feedback to Council.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Geraldine Mettler
<b>POSITION</b>	Municipal Manager
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8025
<b>E-MAIL ADDRESS</b>	<a href="mailto:mm@ Stellenbosch.gov.za">mm@ Stellenbosch.gov.za</a>
<b>REPORT DATE</b>	22 May 2019



8.2.5	ADOPTION OF THE FINAL CAPITAL EXPENDITURE FRAMEWORK 2019
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**Collaborator No:** 645815  
**File No:**  
**IDP KPA Ref No:** Good Governance and Compliance  
**Meeting Date:** 29 May 2019

**1. SUBJECT: ADOPTION OF THE FINAL CAPITAL EXPENDITURE FRAMEWORK 2019**

**2. PURPOSE**

For Council to adopt the Final Capital Expenditure Framework (CEF) and to obtain Council's approval for submission of the Final Capital Expenditure Framework (CEF) to the National Department of Cooperative Government.

**3. DELEGATED AUTHORITY**

Council.

**4. EXECUTIVE SUMMARY**

According to section 21(n) of the Spatial Planning and Land Use Management Act (SPLUMA), Act No. 16 of 2013, the content of a municipal spatial development framework must determine a CEF for the municipality's development programmes. This means that the CEF is informed by the Spatial Development Framework i.e. stating the spatial vision of the municipality where the CEF states the financial vision of the municipality.

The Integrated Urban Development Framework (IUDF) was approved by Cabinet in April 2016, which led to the Integrated Urban Development Grant that will be introduced in the 2019/2020 Division of Revenue Act as a Consolidated Grant for Intermediate City Municipalities (ICM's). Stellenbosch Municipality was identified as one of the municipalities to benefit from this new grant, subject to specified criteria. The purpose of the ICMs support strategy is to help translate IUDF policy into practical programmes of action in the ICMs.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.5**

**RESOLVED** (majority vote)

that the Final Capital Expenditure Framework be approved for submission to COGTA.

*Councillors F Adams; DA Hendrickse and LK Horsband (Ms) requested that their votes of dissent be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Shireen de Visser
<b>POSITION</b>	Senior Manager Governance
<b>DIRECTORATE</b>	Office of the Municipal Manager
<b>CONTACT NUMBERS</b>	021 – 808 8035
<b>E-MAIL ADDRESS</b>	shireen.devisser @stellenbosch.gov.za
<b>REPORT DATE</b>	22 May 2019

8.2.6	<b>INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY</b>
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Collaborator No:

IDP KPA Ref No:

Meeting Date: 29 May 2019

**1. SUBJECT: INTEGRATED HUMAN SETTLEMENTS PLAN: STELLENBOSCH MUNICIPALITY**

**2. PURPOSE**

To provide Council with a draft Integrated Human Settlement Plan (IHSP) which follows the Urban Development Strategy (UDS) and a number of other national, provincial, regional and local *planning* studies.

The key objectives of this IHSP is to:

- Be compliant with relevant legislation and policy directives;
- Confirm and apply the following elements of human settlement addressed in the UDS:
  - a) Statement of vision;
  - b) Growth-and-development paths with specific reference to housing demand (land and units) including the social need for houses i.e. housing for the indigent;
  - c) Investment framework with specific reference to the dimensions of funds-flow that are of importance for the Stellenbosch Municipality; and
  - d) Management framework, i.e. guidelines to steer decision-making on the implementation of the preferred growth-and-development path(s);
- Review and consolidate housing supply (in particular, by government); and
- Facilitate dialogue about preferred interventions and preferred growth-and-development outcomes.

**3. DELEGATED AUTHORITY**

Council

**4. EXECUTIVE SUMMARY**

The Stellenbosch Municipality identified the need to set a 'new' growth-and-development path. A growth-and-development path essentially guides land development to effect change, i.e. to deal with urban challenges, opportunities and constraints. The Urban Development Strategy (UDS) attempts to ensure a principled response to the use and development of land over a 20-year period. In this context and following the UDS, the Integrated Human Settlement Plan (attached as **ANNEXURE A**) addresses the entire spectrum of housing across different socio-economic categories and price gradients. The 'rural' component of the growth-and-development path was, amongst others, informed by the Status Quo Report (dated March 2017) of the Rural Area Plan.

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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.6****RESOLVED** (majority vote with abstentions)

- (a) that Council approves the Integrated Human Settlements Plan (IHSP) attached as **ANNEXURE A**, in principle;
- (b) that the Integrated Human Settlement Plan (IHSP) be advertised for public input in accordance with Council's policy; and
- (c) that, should any inputs be received, same be considered by Council before a final decision is made.

*Councillors DA Hendrickse and LK Horsband (Ms) requested that their abstentions be minuted.*

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Tabiso Mfeya
<b>POSITION</b>	<b>Director</b>
<b>DIRECTORATE</b>	<b>Director: Planning &amp; Economic Development</b>
<b>CONTACT NUMBERS</b>	<b>021 808 8491</b>
<b>E-MAIL ADDRESS</b>	<i>tabiso.mfeya@ Stellenbosch.gov.za</i>
<b>REPORT DATE</b>	<b>7 May 2019</b>

8.2.7	<b>GRANT ALLOCATIONS FOR ANIMAL WELFARE ORGANISATIONS AS DETERMINED BY THE GRANT COMMITTEE</b>
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Collaborator No:

File No:

IDP KPA Ref No:

Meeting Date: 29 May 2019

**1. SUBJECT: GRANT ALLOCATIONS FOR ANIMAL WELFARE ORGANISATIONS AS DETERMINED BY THE GRANT COMMITTEE**

**2. PURPOSE**

To make final grant allocations based on applications received from animal welfare organisations.

**3. DELEGATED AUTHORITY**

**COUNCIL**

**4. EXECUTIVE SUMMARY**

In terms of section 6(2) of the Policy for The Financing of External Bodies Performing a Municipal Function, "the Grant Committee will have the power to make recommendations to Council for final appointments and financial allocations", and in terms of section 6(3), "the Grant Committee must submit a report on its decisions to the Council for final approval".

This item deals with the applications received from animal welfare organisations, which include the Franschhoek SPCA and Stellenbosch Animal Welfare.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 8.2.7**

**RESOLVED** (majority vote with abstentions)

- (a) that Council takes note of the R1.113m grant allocation available for distribution to animal welfare organisations; and
- (b) that Council approves the final allocations as recommended by the Grant Committee (as per its meeting of 2019-05-23 and contained in this report), as follows:
  - (i) Franschhoek SPCA R 172 000
  - (ii) Stellenbosch Animal welfare R 941 000

**FOR FURTHER DETAILS CONTACT:**

<b>NAME</b>	Gary Boshoff
<b>POSITION</b>	<i>Director: Community &amp; Protection Services</i>
<b>DIRECTORATE</b>	<i>Community and Protection Services</i>
<b>CONTACT NUMBERS</b>	021 808 8410
<b>E-MAIL ADDRESS</b>	Gary.boshoff@ Stellenbosch.gov.za
<b>REPORT DATE</b>	24 May 2019

9.	MATTERS FOR NOTIFICATION
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9.1	REPORT BY THE EXECUTIVE MAYOR
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NONE

9.2	REPORT BY THE SPEAKER
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NONE

9.3	REPORT BY THE MUNICIPAL MANAGER
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9.3.1	MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2019
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Collaborator No: 645764  
 File No: 8/1  
 IDP KPA Ref No: Good Governance and Compliance  
 Meeting Date: 29 May 2019

**1. SUBJECT: MONTHLY FINANCIAL STATUTORY REPORTING: DEVIATIONS FOR APRIL 2019**

**2. PURPOSE**

To comply with Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy 2018/2019 to report the deviations to Council.

**3. DELEGATED AUTHORITY**

For noting by Council.

**4. EXECUTIVE SUMMARY**

Regulation 36(2) of the Municipal Supply Chain Management Regulations and Section 36 of the Supply Chain Management Policy (2018/2019) stipulate that SCM deviations be reported to Council. In compliance thereto, this report presents to Council the SCM deviations that occurred during April 2019.

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 9.3.1**

**NOTED**

that there were no deviations for April 2019.

**FOR FURTHER DETAILS CONTACT:**

NAME	Kevin Carolus
POSITION	CFO
DIRECTORATE	Finance
CONTACT NUMBERS	021 808 8528
E-MAIL ADDRESS	Kevin.Carolus@ Stellenbosch.gov.za
REPORT DATE	

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<b>10.</b>	<b>CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER</b>
<b>10.1</b>	<b>QUESTION BY CLLR DA HENDRICKSE: ASLA PRICES: IDAS VALLEY HOUSING PROJECT</b>

**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.1**

It is noted that Cllr DA Hendrickse was not satisfied with the written response from the Municipal Manager and that he posed a follow-up question, namely:

“Why does the MM not answer the question asked, namely what does ASLA charge for the construction of the houses?”

The Municipal Manager will respond in writing.

<b>10.2</b>	<b>QUESTION BY CLLR DA HENDRICKSE: INCREASE IN NUMBER OF FLATS FROM 60 TO 96: IDAS VALLEY HOUSING PROJECT</b>
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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.2**

It is noted that Cllr DA Hendrickse was not satisfied with the written response from the Municipal Manager and that he posed a follow-up question, namely:

“Why does the MM not answer the question asked, namely who were the officials in the Municipality that authorized the change in the numbers of flats from 60 to 96?”

The Municipal Manager will respond in writing.

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10.3	<b>QUESTION BY CLLR F ADAMS: COMMISSIONERS OF OATHS</b>
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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.3**

It is noted that Cllr F Adams was not satisfied with the written response from the Municipal Manager and that he posed a follow-up question, namely:

“Can the Administration please answer as honestly as possible the questions asked, namely how many Councillors currently have the tools of trade to do their jobs, who are the Councillors and who paid for it?

The Municipal Manager will respond in writing.

10.4	<b>QUESTION BY CLLR F ADAMS: UNSPENT FUNDING</b>
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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.4**

It is noted that Cllr F Adams was not satisfied with the written response from the Municipal Manager and that he posed a follow-up question, namely:

“Can the Administration please answer as honestly as possible the questions asked by referring to Francdevco and La Clemence.”

The Municipal Manager will respond in writing.

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10.5	<b>QUESTION BY CLLR LK HORSBAND (MS): BOREHOLES SINCE AUGUST 2017</b>
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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.4**

It is noted that Cllr LK Horsband (Ms) was satisfied with the written response from the Municipal Manager and she had no follow-up question.

10.6	<b>QUESTION BY CLLR LK HORSBAND (MS): COUNCIL DECISION: BOREHOLES IN EXCESS OF R60 MILLION</b>
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**27<sup>TH</sup> COUNCIL MEETING: 2019-05-29: ITEM 10.6**

It is noted that Cllr LK Horsband (Ms) was satisfied with the written response from the Municipal Manager, but she will pose a follow-up question in writing.



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11.	CONSIDERATION OF URGENT MOTIONS
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NONE

12.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
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NONE

13.	CONSIDERATION OF REPORTS
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13.1	REPORTS SUBMITTED BY THE SPEAKER
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NONE

13.2	REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
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NONE

14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
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(SEE PINK DOCUMENTATION)

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The meeting adjourned at 18:30.

**CHAIRPERSON:** .....

**DATE:** .....

**Confirmed on** ..... **with/without amendments.**